

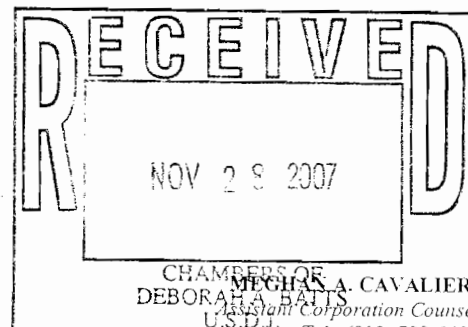
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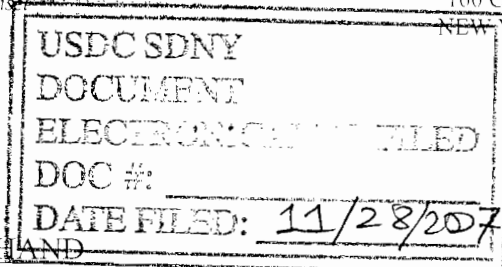
THE CITY OF NEW YORK  
**LAW DEPARTMENT**

100 CHURCH STREET  
 NEW YORK, N.Y. 10007

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 Corporation Counsel



CHAMBERS OF  
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November 27, 2007

BY HAND

Honorable Deborah A. Batts  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

Re: Louie Garcia v. City of New York, et al., 07 CV 9786 (DAB)(RLE)

Dear Judge Batts:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant The City of New York. I am writing with the consent of plaintiff's counsel, Rose M. Weber, Esq., to respectfully request a sixty (60) day enlargement of time from November 28, 2007, until January 28, 2008, within which this office may answer or otherwise respond to the complaint. This is the first request made by this office for an enlargement of time in this action.

The complaint alleges, inter alia, that plaintiff Louie Garcia was subjected to excessive force during an arrest. In addition to the City of New York, plaintiff also purports to name Detective Boyd, Police Officer Rivera, Detective Daliz, Police Officer Perez, Sergeant Googin and Detective Carasquillo as defendants. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named defendants have been served.<sup>1</sup> If service has been properly effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendants. The named defendants must then decide whether he/she wishes to be represented by this office. If so, we

<sup>1</sup> Although this office does not currently represent Detective Boyd, Police Officer Rivera, Detective Daliz, Police Officer Perez, Sergeant Googin or Detective Carasquillo, and assuming they were properly served, this office also respectfully requests this extension on their behalf in order to prevent their defenses from being jeopardized while representational issues are being resolved.

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must obtain his/her written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See *Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. The City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S. 2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until January 28, 2008.

Thank you for your consideration in this regard.

SO ORDERED

*Deborah A. Batts*  
DEBORAH A. BATTS 11/28/2007  
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

*Meghan A. Cavalieri*

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cc: VIA FAX  
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MEMO ENDORSED